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**IN THE
COURT OF APPEALS OF INDIANA**

TERRENCE COLEMAN,
Appellant-Defendant,

VS.

STATE OF INDIANA,
Appellee-Plaintiff.

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No. 71A03-0708-CR-360

APPEAL FROM THE ST. JOSEPH SUPERIOR COURT
The Honorable John M. Marnocha, Judge
Cause No. 71D02-0608-FA-37

September 28, 2007

MEMORANDUM DECISION - NOT FOR PUBLICATION

NAJAM, Judge

STATEMENT OF THE CASE

Terrence Coleman appeals his conviction for Attempted Murder, a Class A felony, following a jury trial. Coleman presents a single issue for our review, namely, whether the State presented sufficient evidence to support his conviction.

We affirm.

FACTS AND PROCEDURAL HISTORY

On August 12, 2006, around noon, Jason Reeves went with his five-year-old son to visit Reeves' mother, Kay DeBerry. Reeves parked his car in front of DeBerry's house and went inside to visit. When Reeves left the house thirty to forty minutes later, a man, later identified as Coleman, was standing at a nearby corner. Coleman, who was wearing a white T-shirt and a red bandana on his head, approached Reeves as he was getting in his car. Coleman asked Reeves for the time and then walked back toward the corner when Reeves could not answer his question. After Reeves got in his car with his son, Coleman again approached Reeves' car and asked Reeves if the bus came to that corner. Reeves told him that it did, and Coleman went back to the corner. Reeves was ready to drive away when Coleman once more approached Reeves' car and asked if the bus would take him directly downtown. When Coleman got to Reeves' car window, Coleman pulled out a gun. Reeves reached out to try and grab the gun, and Coleman shot Reeves's hand. Coleman fired his gun four or five times, hitting Reeves in his chest and stomach and grazing his left arm. Coleman then fled the scene and ran down an alley.

Michael Lee, who was standing on the porch of DeBerry's house and saw Coleman shoot Reeves, jumped in Reeves' car and drove him to the hospital. DeBerry,

who was in her car and also saw Coleman shoot Reeves, called the police and gave them a description of the clothing that the suspect was wearing. South Bend Police officers searched the area around the crime scene but did not find Coleman. The officers received information that the suspect had discarded his bandana and shirt, and they then found the red bandana and white shirt inside a trash can near the crime scene. The bandana and shirt were later tested and found to contain a match to Coleman's DNA. At the hospital, police officers showed Reeves a photo spread containing Coleman's photograph, and he positively identified Coleman as the shooter.

The State charged Coleman with attempted murder, a Class A felony. Prior to trial, Coleman filed a notice of alibi defense. In January 2007, the trial court held a jury trial. The jury found Coleman guilty as charged. The trial court sentenced Coleman to fifty years in the Indiana Department of Correction. This appeal ensued.

DISCUSSION AND DECISION

Coleman argues that the State presented insufficient evidence to support his conviction for attempted murder. When reviewing a claim of sufficiency of the evidence, we do not reweigh the evidence or judge the credibility of the witnesses. Jones v. State, 783 N.E.2d 1132, 1139 (Ind. 2003). We look only to the probative evidence supporting the verdict and the reasonable inferences that may be drawn from that evidence to determine whether a reasonable trier of fact could conclude the defendant was guilty beyond a reasonable doubt. Id. If there is substantial evidence of probative value to support the conviction, it will not be set aside. Id.

To convict Coleman of attempted murder, the State was required to prove beyond a reasonable doubt that Coleman engaged in conduct that constituted a substantial step toward intentionally killing another human being. See Ind. Code §§ 35-41-5-1, 35-42-1-1. An intent to kill may be inferred from the use of a deadly weapon in a manner likely to cause death or great bodily injury, in addition to the nature of the attack and circumstances surrounding the crime. Corbin v. State, 840 N.E.2d 424, 429 (Ind. Ct. App. 2006). Additionally, the uncorroborated testimony of one witness may be sufficient by itself to sustain a conviction on appeal. Pinkston v. State, 821 N.E.2d 830, 842 (Ind. Ct. App. 2004), trans. denied.

Coleman, whose defense at trial was that he was at a family party at the time of the shooting, contends that the State failed to present sufficient evidence that he was the person who committed the crime. We disagree.

The State presented evidence from three eyewitnesses—Reeves, Lee, and DeBerry—who testified that Coleman was wearing a white shirt and a red bandana when he repeatedly shot at Reeves while Reeves sat in his car. All three witnesses positively identified Coleman at trial, and Reeves positively identified Coleman as the shooter from a photo spread when he was at the hospital following the shooting. Additionally, the State presented evidence that a match to Coleman’s DNA was found on a red bandana and a white shirt found in a trash can near the crime scene. The evidence is sufficient to support Coleman’s conviction.

Nevertheless, Coleman directs our attention to testimony from his witnesses—all family members—in support of his alibi defense and suggests that their testimony calls

into question the State's eyewitnesses' testimony identifying him as the shooter. Coleman's argument is merely a request that we reweigh the evidence and judge the credibility of witnesses, which we will not do. The State presented sufficient evidence to support Coleman's attempted murder conviction.

Affirmed.

MATHIAS, J., and BRADFORD, J., concur.